IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ANTHONY LEON SUMMERS	§	
VS.	§	CIVIL ACTION NO. 1:14cv166
NATHANIEL QUARTERMAN	§	

MEMORANDUM OPINION AND ORDER

Plaintiff Anthony Leon Summers, an inmate confined at the Gib Lewis Unit of the Texas

Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this

civil rights action pursuant to 42 U.S.C. § 1983

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does

not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by

28 U.S.C. § 1391. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d

805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28

U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants

reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of

parties and witnesses and in the interests of justice, a district court may transfer any civil action

to any other district or division where it could have been brought. Such a transfer may be done

sua sponte and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886

F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains about incidents that took place at the Gib Lewis Unit, which is located in the Lufkin Division of the United States District Court for the Eastern District of Texas. However, this case was filed in the Beaumont Division. The court has considered the circumstances and determined that the interest of justice would be served if the complaint were transferred to the division in which the claims arose. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Lufkin Division of the United States District Court for the Eastern District of Texas.

SIGNED this 4th day of April, 2014.

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Zack Hawthorn
United States Magistrate Judge